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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,599	08/16/2001	C.W. Luttrell	REEL:0021--2/YOD 99RE166-	3929

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Alexander Gerasimow
Allen-Bradley Company
Patent Dept., 704P Floor 8 T29
1201 South Second Street
Milwaukee, WI 53204

EXAMINER

TUGBANG, ANTHONY D

ART UNIT	PAPER NUMBER
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3729

DATE MAILED: 09/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/931,599

Applicant(s)

LUTTRELL, C.W.

Examiner

A. Dexter Tugbang

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 August 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

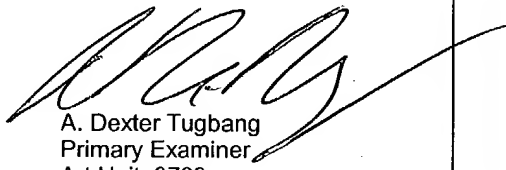
NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Attachment.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: None.Claim(s) objected to: 35,36,42 and 43.Claim(s) rejected: 34,37-41 and 44-47.Claim(s) withdrawn from consideration: None.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____


A. Dexter Tugbang
Primary Examiner
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Attachment to Advisory Action

In regards to the merits of Linkous'329, the applicant(s) argue that Linkous does not teach inserting a first coil group for a first electrical phase into a stator core through a first end thereof, inserting a first coil group for a second electrical phase into the stator core through a second end thereof, and inserting a first group for a third electrical phase into the stator core through the first end thereof (as required in steps a-c in Claim 34, with similar limitations in Claim 41).

A great deal of emphasis is placed by the applicant(s) on the "first end" and "second end" of the stator core in that these ends are alternating or are alternating ends. The examiner's position is that the feature of the stator core with the "first" and "second" ends that are *alternating*, or that are *alternating ends*, is not recited in the rejected claim(s). Nowhere in Claim 34 or 41 is the term "alternating" ever used to describe the relationship between the "first" and "second" ends and it appears that the applicant(s) are arguing more specifically than that which is claimed. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The examiner notes that the front and back ends of the stator core were read as the "first" and "second" ends of the stator core. The fact that Linkous teaches that each coil group is inserted through intersecting planes of the front and back ends of the stator core satisfies the limitations of inserting each coil group through a first end and a second end of the stator core. For example in step a, although this step requires inserting a first coil group for a first electrical phase into a first end thereof, the very same step does not exclude the same coil group from

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being inserted into the second end along with the first end. So the examiner reiterates that Linkous inserts multiple coil groups through first and second ends of the stator core, absent of any limitation that the first and second ends are alternating.

The applicant(s) further argue that Linkous does not teach that the stator has a "second electrical phase" and a "third electrical phase". The applicant(s) urge that Linkous only teaches one, single electrical phase.

The examiner notes that the limitations of "for a second electrical phase" (line 5 of Claim 34 with similar limitations in Claim 41) and "for a third electrical phase" (line 7 of Claim 34 with similar limitations in Claim 41) was considered by the examiner as functional language. These limitations were not read out of the claims, but were given full patentable weight by the examiner. The examiner's position is that Linkous appears to be silent as to the number of electrical phases in his stator, so it is unclear how the applicant(s) arrived with the conclusion that Linkous shows only one, single phase. However, Linkous meets the functional language limitations because each coil group of Linkous is capable of being used for a corresponding electrical phase.

The examiner cited Arnold (U.S. Patent 3,886,653) in the last Office Action. Arnold shows a similar stator core structure as Linkous in which Arnold explicitly suggests that the number of coil groups can be representative of multiple electrical phases, i.e. first, second and third (see col. 7, lines 26-29 of Arnold). Although Arnold is not used in the rejection, the examiner is relying on Arnold as extrinsic evidence in the stator core art that the number of coil groups can be representative of the number of corresponding electrical phases.

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The examiner maintains the Final Rejection for the reasons set forth above. However, it appears that if further limitations were added to the claims regarding the first ends and second ends alternating between each insertion step, or how the second and third electrical phases positively affect each of the insertion steps, that this would avoid Linkous.